

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOSEPH P. NOLFF, ANDREW TATE and
BRUCE PALENSKE, Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

ATERIAN, INC., YANIV SARIG,
FABRICE HAMAIDE, and ARTURO
RODRIGUEZ,

Defendants.

CASE No.: 1:21-cv-04323-VM

NOTICE OF MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 23(e) and this Court's Order Granting Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement (Dkt. No. 87), Lead Plaintiff Joseph Nolff and Named Plaintiff Bruce Palenske ("Plaintiffs"), by their undersigned counsel, hereby move this Court, before the Honorable Victor Marrero, United States District Judge of the United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York, 10007-1312, Courtroom 15B, on September 9, 2022 at 2:00 p.m., for entry of an order granting final approval of the proposed class action Settlement, approving the Plan of Allocation for distribution of the Net Settlement Fund, and certifying the Settlement Class for settlement purposes.¹

¹ Plaintiff's [Proposed] Final Judgment Approving Class Action Settlement was previously filed as Ex. B to the Settlement Stipulation. (See Dkt. No. 86-6.)

This motion is based on this Notice of Motion, Plaintiffs' supporting Memorandum of Law, the Declaration of Jacob A. Goldberg and exhibits attached thereto, all filed contemporaneously herewith, all pleadings, records, and papers on file herein, and such further argument and briefing as may be presented at or before any hearing. In the event that there are any requests for exclusions or objections received by the August 19, 2022, deadline, Plaintiffs will file an updated proposed final order and judgment with their reply.

Defendants do not oppose this motion.

Dated: August 12, 2022

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.

By: /s/ Jacob A. Goldberg
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Lead Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2022, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Jacob A. Goldberg
Jacob A. Goldberg